

Appln No. 09/608,970
Amdt. Dated October 15, 2004
Response to Office action of September 1, 2004

4

REMARKS/ARGUMENTS

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

Claim Rejections – 35 USC § 103

With reference to paragraphs 2 to 7 of the Office Action, we have now considered the Examiner's comments and arguments in detail and as a result have now incorporated the subject matter of previously dependent claim 4 into independent claim 1. A similar amendment including incorporating the subject matter of claim 9 into claim 6 has also been provided.

In view of this, we respectfully submit that the revised claims are novel and inventive over the cited prior art.

In particular, having now considered the Examiner's comments we maintain the comments set out in our previous response that the combination of Daniele and Fox does not teach receiving indicating data from a sensing device which is indicative of a request for a document. In particular, it is not the sensing of coded data disposed on a surface which indicates that a document is requested in the process of Daniele. Rather, it is the provision of a document itself on a scanner, or the selection of a document contained on the CD 24 or disk 26 which is indicative of the request for the document. The glyph referred to in Daniele are not indicative of a request for a document but rather are only indicative of the copyright fee.

In view of this, we believe that the claims were novel and inventive as they stood. However, in order to overcome the objection and obtain speedy allowance of the application, further revisions have been made.

In particular, the claim has been revised to clarify that the method includes providing a document to the user using a request for the document. We respectfully submit that this is

Appln No. 09/608,970
Amdt. Dated October 15, 2004
Response to Office action of September 1, 2004

5

not described by Daniele. In particular, as set out in the current claim the request for the document is generated by sensing some of the coded data on the surface. The request for the document is then used to provide the document.

This is clearly not the case in Daniele as it is the scanning of the document which constitutes the request and causes the document to be provided. Thus, when the glyph is scanned, the document has been obtained, but not yet copied. The glyph is only used to obtain details of copyright fees payable and this itself is not used to provide the documents.

In any event the claim has also been further revised to clarify that the sensing device provides identity data indicative of an identity of a user when it is placed in an operative position relative to the surface. We respectfully submit that this is not shown by Daniele.

In particular, in Daniele there is no sensing device which generates identity data indicative of an identity of the user. In fact, the identity of the user could only ever be determined in the system of Daniele from a debit card if this happened to have an identity of the user provided thereon. This is not in fact described and accordingly there is no disclosure in Daniele that the identity of the user is determined.

With reference to previous dependent claim 4 the Examiner indicates that Daniele teaches "a method and system further receiving device identity of the user and identifying the user account" in column 8, lines 22 to 39. We have carefully reviewed this section of the document and it is clear that the only identities referred to are of the document and of the publisher or author. We respectfully submit that the publisher and author do not constitute the user but rather constitute the copyright owners within the terminology of the claims. It is the copyright owners who receive payment and the user who is debited for payment. Thus, Daniele does not describe any portion of the system which is capable of determining identity data indicative of the identity of the user (ie the person making the copy).

Similarly, the system of Daniele does not describe identifying from the identity data a user account and then debiting the user account accordingly. In fact, we note that when discussing claim 1 and debiting the user account, the Examiner explicitly refers to column 9, line 39 to column 10, line 35 and column 11, line 45 to column 12, line 39. These sections refer to paying the copyright holder with the only discussion of debiting the user being

App'n No. 09/608,970
Amend. Dated October 15, 2004
Response to Office action of September 1, 2004

6

provided in column 11, lines 60 to 66 which clarifies that the user (ie the operator) is debited by either depositing the required copyright royalty via a coin slot or by debiting a copy card or credit card inserted into a card reading receptacle.

Thus, whilst we acknowledge that the use of a debit or credit card would constitute debiting a user account, the system does not operate to identify the user account based on identity data received from the sensing device which also determines the request for the document. Thus, the claim requires a common sensing device which determines both the document request and the identity of the user.

Instead, it is clear in Daniele that even in the event that the scanner 22, the document input device 20 and the gliff detector 30 operate as a sensing device to sense a request for the documents, these elements do not in any way operate to provide identity data indicative of the identity of the user which could only ever be received by a debit copy card 52 using the record royalty receipt component 46.

In view of this, we do not believe that the prior art, either alone or in combination teaches receiving from a sensing device when placed in an operative position relative to the surface indicating data and identity data as now required by the claims.

In view of this, we believe that the claims are novel and inventive over the cited prior art.

Appln No. 09/608,970
Amdt. Dated October 15, 2004
Response to Office action of September 1, 2004

7

CONCLUSION

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the pending claims, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Very respectfully,

Applicant:



KIA SILVERBROOK

Applicant:



PAUL LAPSTUN

C/o:

Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email:

kia.silverbrook@silverbrookresearch.com

Telephone:

+612 9818 6633

Facsimile:

+61 2 9555 7762